

Applicants: Allan Green et al.
Serial No.: 09/981,124
Filed : October 17, 2001
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REMARKS

Claims 41-43 and 50-67 were pending in the subject application. By this Amendment, applicants have amended the claims as indicated and cancelled claims 64-67 without prejudice to applicants' right to pursue the subject matter of these claims in a different application. Support for "65%" may be found, *inter alia*, on page 27, line 9-11 of the specification. Accordingly, claims 41-43 and 50-63 are pending.

Applicants maintain that the amendments to the claims raise no issue of new matter. Accordingly, applicants respectfully request entry of this Amendment.

Summary of November 5, 2008 Examiner Interview and Consequent Amendment

This Summary of the November 5, 2008 interview between Examiner Elizabeth McElwain and applicants' undersigned representative is filed pursuant to 37 C.F.R. §1.133(a). Applicants acknowledge with appreciation the courtesy extended by Examiner Elizabeth McElwain in connection with the interview.

During the interview, the Examiner understood that the claim language is limited to 65%¹ of "the" SEQ ID NO: 2. and indicated that this aspect of the rejection is withdrawn.

The Examiner also indicated that the rejection of claim 55 (and claim 59 analogously) under 35 U.S.C. § 112, second paragraph, would be withdrawn if the claim was amended to recite, "The process of claim 50, wherein the nucleic acid is from a plant that synthesizes epoxy fatty acids." The claims have been amended accordingly.

¹ The claims during the November 5, 2008 Interview recited "60%" but have herein been amended to recite "65%".

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The Examiner confirmed that she did not mean to set forth a written description rejection. Thus, the statement of a written description rejection is moot.

Finally, the Examiner stated that she would reconsider the enablement rejection if claim 41 was amended to recite an affirmative step of determining whether the plant has epoxy fatty acids. Applicants have amended claim 41 accordingly and request reconsideration of the enablement rejection.

Should this Amendment not suffice to place the subject application in condition for allowance, Applicants hereby respectfully request a further Examiner Interview to discuss potentially allowable subject matter. Specifically, Applicants invite the Examiner to contact Applicants' undersigned attorneys at the number provided below.

No fee, other than the enclosed \$130.00 fee for a one-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such additional fee to Deposit Account No. 03-3125.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted by facsimile on this date to:
1-571-273-8300
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Luis C. Muniz, Ph.D. Date November 10, 2008